

A WRONG ON HUMANITY: PREVENTION OF CRIMES AGAINST HUMANITY

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1. INTRODUCTION

The history of mankind is the history of war. Throughout history man has sought to dominate and control his fellow man. Various religious texts are replete with war, conflict, strife, atrocity, and suffering. For millennia, there was little to no attempt to limit the effect of international or internal conflict upon civilian populations. Civilians became the grist in the war machine.

Even now, as of fall 2008, civilians are suffering in the Democratic Republic of the Congo as rebel and governmental forces, watched by a hapless United Nations, vie for control of the eastern portion of the country and its resources. Ironically, one hundred years ago, Joseph Conrad wrote about atrocity in the Belgian Congo, as one of the main characters in *Heart of Darkness* dies lamenting, “[t]he horror, the horror!”¹

It was only in the mid-nineteenth century that attempts were made to ameliorate the sting of battle and to protect civilians, the wounded, the sick, and prisoners. From the beginning of the Red Cross Movement launched by Henri Dunant, through the Hague Conventions of 1907, to the Geneva Conventions of 1949, the cornerstone of various standards and protections had been laid.

This Article will review the past and consider whether a path towards preventing atrocity (“crimes against humanity”)² has

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¹ JOSEPH CONRAD, *HEART OF DARKNESS* 86 (Ross C. Murfin ed., Bedford Books, 2d ed. 1996) (1902).

² See Theodore Roosevelt, *Washington's Forgotten Maxim*, in 13 *THE WORKS OF THEODORE ROOSEVELT* 182, 184–185 (Charles Scribner's Sons 1926) (describing the extremely violent characteristics of crimes against humanity); see also GARY J. BASS, *FREEDOM'S BATTLE: THE ORIGINS OF HUMANITARIAN INTERVENTION* 328 (2008) (referring to Roosevelt's description of brutal examples of crimes against humanity).

already begun.³ From there, I will discuss the present and question whether this is the beginning of the end of atrocity. Finally, I will look to the future and think about a new model of prevention, as opposed to today's reactive paradigm.

2. THE PAST – A PATHWAY TO PREVENTION BEGINS?

One of mankind's bloodiest centuries began with the joint economic enterprise between the Congo and King Leopold of Belgium, which saw the destruction of between eight to ten million human beings. From Leopold to the Three Pashas, to Stalin, Hitler, and Mao; through to Amin, Milosevic, Hussein, and Taylor; over 100 million people have died at the hands of their own governments.

Little was done at first. Leopold was admonished and publicly shamed. The Three Pashas and their cohorts were brought before various courts or were assassinated by Armenians bent on revenge. The world was unaware of the killing machine developed by Joseph Stalin during the formative years of the Soviet Union, and it was only at the end of the Second World War that the full extent of Hitler's holocaust was realized.⁴

At the end of the darkness of World War II, a brief period of hope shone its tentative light towards accountability and justice. Mankind paused for a period of four years and developed what was to become a cornerstone for modern international criminal law five decades later in the form of a new tribunal and a series of charters, declarations, and conventions.

The International Military Tribunal at Nuremberg was one of humanity's first efforts to hold tyrants accountable under the rule of law. The results, though ridiculed at the time, became the Nuremberg Principles, which helped shape modern jurisprudence for atrocity.⁵

During the historic trials before the International Military Tribunal at Nuremberg, the nations of the world assembled and

³ The Author will use the term "atrocity" rather than "crimes against humanity," as the Article is looking at a model that prevents international crimes in general.

⁴ See generally R. J. RUMMEL, *DEATH BY GOVERNMENT* (1994) (discussing the atrocities committed by governments against their own citizens).

⁵ See *Principles of International Law Recognized in the Charter of the Nürnberg Tribunal and in the Judgment of the Tribunal*, 2 Y.B. Int'l Law Comm'n 30, U.N. DOC. A/CN.4/SER.4/1950 (providing the official text adopted by the International Law Commission at its second session and submitted to the General Assembly).

drafted the United Nations Charter. Based on the concept of international peace and security through the nonviolent resolution of disputes, the United Nations looked to the rule of law and not to the rule of the gun as the centerpiece to world order.⁶

For millennia, a human being, save for a few brief periods, had little if any individual rights. However, with the advent of the Universal Declaration of Human Rights, the international community stated that every human born has a right to exist on this planet.⁷ This was followed by the Genocide Convention, which sought to hold accountable those who would violate that right to exist by exterminating whole peoples, societies, and cultures.⁸

Throughout the advent of modern industrial warfare, nations began to put in writing the customs of international law related to the treatment of prisoners, the sick and wounded, as well as civilians. Starting with the work of Henri Dunant, a Swiss citizen who began the Red Cross movement, the international community established rules to govern warfare on land and sea.

At first, this framework was established to control the types of weapons used in warfare and the types of places and persons to be targeted. Concepts such as proportionality, unnecessary suffering, and military necessity were quantified and used as the method to control combat and keep it as civilized as possible. Known as the Hague Rules, these important principles established the underpinnings of what would be called the laws of armed conflict and international humanitarian law.⁹

It was only in 1949 that these various laws of armed conflict were codified into the Geneva Conventions. Four Conventions were created to address the treatment of the wounded and sick on land and sea, prisoners of war, and civilians.¹⁰ Common Article 3,

⁶ See U.N. Charter art. 1, para. 1 (introducing the U.N. charter with its principles, purposes, procedures, and general guiding policies).

⁷ See Universal Declaration of Human Rights, G.A. Res. 217A, U.N. GAOR, 3d Sess., 1st plen. mtg., U.N. Doc. A/810 (Dec. 12, 1948) (declaring the human rights that apply to all people).

⁸ See Convention on the Prevention and Punishment of the Crime of Genocide, Dec. 9, 1948, 78 U.N.T.S. 277, 205 Consol. T.S. 277 (establishing the principles and procedures governing the crime of genocide).

⁹ See Hague Convention Respecting the Laws and Customs of War on Land, Oct. 18, 1907, 36 Stat. 2277 (listing signing parties to the convention and its principles).

¹⁰ Geneva Convention for the Amelioration of the Condition of the Wounded and Sick Armed Forces in the Field, Aug. 12, 1949, 6 U.S.T. 3114, 75 U.N.T.S. 31

included in all four, established that the minimum treatment for anyone found on a battlefield was *humane treatment*, regardless of their status. These Conventions also stated that those who violated or breached these rules were to be punished by the various state parties to that Convention.¹¹ The standard for such a breach was to investigate, prosecute, and punish or turn over the alleged perpetrators to a signatory nation that was willing to take the responsibility.¹² This was revolutionary thinking and theoretically changed the shape and tenor of combat and weapons development.

Tragically, after these four groundbreaking years, the Cold War consumed the world as the two superpowers held each other by the throat, in a death grip called mutually assured destruction. Both the West and the Soviet Bloc allied themselves with any nation or tyrant as long as they agreed ideologically with that side. This dance with the devil set the stage for the rest of the bloody twentieth century. Most of the deaths perpetrated by one's own government took place during the Cold War. Bodies floated down the Yellow River in China by the tens of thousands or were buried in the killing fields of Cambodia.

3. THE PRESENT — THE BEGINNING OF THE BEGINNING OF THE END TO ATROCITY?

Despite early efforts to garner support for an international court to address international crimes, it was not until the break up of the former Yugoslavia, and the consequent destruction of civilians and their property, that the world paused to take stock of their approach to the ravages of internal armed conflict.

The result was the first serious effort since Nuremberg to hold accountable those who preyed upon their fellow citizens. The

[hereinafter Geneva Convention I]; Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of the Armed Forces at Sea, Aug. 12, 1949, 6 U.S.T. 3217, 75 U.N.T.S. 85 [hereinafter Geneva Convention II]; Geneva Convention Relative to the Treatment of Prisoners of War, Aug. 12, 1949, 6 U.S.T. 3316, 75 U.N.T.S. 135 [hereinafter Geneva Convention III]; Geneva Convention Relative to the Protection of Civilian Persons in Time of War, Aug. 12, 1949, 6 U.S.T. 3516, 75 U.N.T.S. 287 [hereinafter Geneva Convention IV].

¹¹ See Geneva Convention I, *supra* note 10, art. 49 (detailing repression of abuses and infractions); Geneva Convention II, *supra* note 10, art. 50 (same); Geneva Convention III, *supra* note 10, art. 129 (same); Geneva Convention IV, *supra* note 10, art. 146 (same).

¹² See e.g., Geneva Convention I, *supra* note 10, art. 49 (noting that contracting parties must take all "measures necessary" to prevent grave breaches).

creation of the International Criminal Tribunal for the Former Yugoslavia ("ICTY") was a difficult birth, but the result was the beginning of mankind's attempt to rein in atrocity.¹³

Within a year of the creation of the ICTY, the Hutu majority in Rwanda began to systematically chop, cut, and destroy the Tutsi minority and those who were associated with them. It was an atrocity the likes of which had not been seen since World War II, with up to 10,000 people dying every day. At first, the world looked the other way, sitting on its hands while the bodies piled up in that idyllic place. Yet even the most cynical United Nations official could not remain complacent. Once again, the international community stepped up to the plate and created the next tribunal of the modern era, the International Criminal Tribunal for Rwanda ("ICTR").¹⁴ Headed by the Chief Prosecutor at the ICTY in The Hague, the ICTR stumbled forward in an attempt to account for the killings in Rwanda.

The 1990s saw important jurisprudence coming out of the two ad hoc tribunals, as they came to be called. This jurisprudence paved the way for further attempts to seek justice for victims of atrocity. Early on, the bedrock principles in international law related to head of state immunity, a major legal hurdle to holding heads of state accountable for crimes against their own people, began to crack and soften.¹⁵ During this time frame, the associated offenses surrounding war crimes, crimes against humanity, and genocide were litigated in Rwanda.

As the two ad hoc tribunals investigated, indicted, and prosecuted those who were responsible for war crimes, crimes against humanity, and genocide, a joint criminal enterprise in West Africa was destroying several countries, by fomenting, and then aiding and abetting, a ten-year long civil war in Sierra Leone. Over time, over 1.2 million human beings were murdered, raped, maimed, and mutilated, with over 2.5 million Sierra Leoneans internally displaced. Sierra Leone was left to fend for itself, the

¹³ See S.C. Res. 827, U.N. Doc. S/RES/827 (May 25, 1993) (establishing an international criminal tribunal with the purpose of stopping the violence and humanitarian crisis within the former Yugoslavia).

¹⁴ See S.C. Res. 955, U.N. Doc. S/RES/955 (Nov. 8, 1994) (reacting to the humanitarian crisis within Rwanda by creating the International Criminal Tribunal for Rwanda).

¹⁵ This type of immunity derives from customary international law and affords heads of state immunity from criminal charges while serving in office. The immunity terminates, however, once the official leaves office.

world looked away, for the most part, to the destruction of an entire region of the world.

It was only after the sitting President of the Republic of Sierra Leone sent a letter to then Secretary-General of the United Nations Kofi Annan, did the international community pause long enough to consider what action to take. Because Sierra Leone could not account for the multiple international crimes committed there, the President needed help, and fast. Though it took another two years, the world's first hybrid international war crimes tribunal was established, called the Special Court for Sierra Leone.¹⁶

The United Nations took this new concept and, combined with what had been learned over the past several years from the ad hoc tribunals, gave this new court a significant and workable mandate to prosecute those "persons who bear the greatest responsibility."¹⁷ This was the great political compromise that allowed for the creation of this new justice mechanism and highlighted the real-world approach to in personam jurisdiction, holding accountable only those who started, aided, abetted, and sustained the conflict. The number of potential indictees dropped from hundreds to thirteen. This was an achievable mandate, one that could be accomplished efficiently, effectively, and within a politically acceptable time frame. The international community now had another "tool in the kit bag" in facing down impunity.

The 1990s saw amazing and almost inconceivable advancement in international criminal law. By 1998, the Rome Statute was signed creating a permanent international criminal court based in The Hague.¹⁸ The International Criminal Court ("ICC") was up and running by 2003 and will be the basis for prosecuting those who bear the greatest responsibility for committing the most serious of international crimes throughout this century.

While this movement forward focused on present and future atrocity, another variation on the hybrid theme was created to account for past atrocity in the killing fields of Cambodia. The Extraordinary Chambers in the Courts of Cambodia was charged

¹⁶ See S.C. Res. 1315, U.N. Doc. S/RES/1315 (Aug. 14, 2000) (responding to the grave situation within Sierra Leone by establishing the special court).

¹⁷ *Id.* art. 1, para. 1.

¹⁸ Rome Statute of the International Criminal Court, July 17, 1998, 2187 U.N.T.S. 90, U.N. Doc. A/CONF.183/9.

with investigating and prosecuting the surviving members of the junta who ruled Cambodia in the mid 1970s.¹⁹

These various methodologies that addressed the international crimes committed in Yugoslavia, Rwanda, Sierra Leone, and Cambodia revealed that the past was a catalyst for the atrocity committed in the modern era. While the Cold War made for strange bedfellows and odd political alliances that suppressed century-old hatreds, only to erupt with the fall of the Soviet empire and the symbolic “wall,” it was colonialism and the arbitrary carving up of whole continents that laid the seed bed for atrocity, especially in places such as Africa.

In the 1950s and 1960s, colonies began to achieve their independence. These new nations were modeled on the democratic forms of government formerly imposed upon them, in some instances, as a condition for independence with a hope that they would align themselves with the West. In many instances, this independence spawned weak governmental structures. In places where democracy was a foreign concept, the former colonies, over time, reverted to cultural defaults to govern themselves. Dominant tribes began to claim exclusive control. This resulted in bad governance principles and tribal tension. Corruption became a problem that further fueled frustration and unrest over the next several decades. With this societal unrest came the potential for atrocity, which exists to this day, and has been the root cause of atrocity in places such as Sierra Leone.

4. THE FUTURE – COMMUNITY AWARENESS, DIPLOMATIC, AND WORLD ORDER METHODS OF PREVENTION

Despite the steps forward in accountability mechanisms today, it is important to pause and consider commonalities in the causes of atrocity over the past century before we consider the future prevention of crimes against humanity.

I recall giving my opening statement at the Joint Criminal Trial against the Civil Defense Force in June of 2004 in the Trial Chamber One of the Special Court for Sierra Leone, where I quoted

¹⁹ See Draft Agreement Between the United Nations and the Royal Government of Cambodia Concerning the Prosecution under Cambodian Law of Crimes Committed during the Period of Democratic Kampuchea, G.A. Res. 57, U.N. Doc. A/RES 57/228B/Annex (May 22, 2003) (describing the role of the Extraordinary Chambers in prosecuting those responsible for the atrocity in Cambodia).

a Jewish freedom fighter trapped in the Warsaw Ghetto during World War II. The freedom fighter had written the World Jewish Council in New York, stating: "They are killing us all! Believe the unbelievable." Disbelief was a common initial reaction to atrocity in the twentieth century. From the Congo to the Holocaust, reaction by the international community was one of disbelief or skepticism regarding the information being reported at the time about an atrocity. This was the biggest threat to any action.

Regimes cloak their actions in several layers from domestic law, nationalism, and external threat (what I call the "boogeyman concept"). To counter this threat, real or perceived, the atrocity evolves into a plan or scheme to counter the threat to the sovereignty of the empire or nation. One sees stereotyping of the targeted peoples, use of mass media, and propaganda to create the perception of threat and the dire consequences if not dealt with by the regime or government. Additionally, religious bias is injected to fan the flames, as well as to justify governmental action.

As the atrocity unfolds, the international community is informed through media, at first by newspapers outside the area or by activists speaking out and voicing their concern. For example, public interest in the atrocity ongoing in the Belgian Congo was sustained by the famous writers of the time, such as Mark Twain, Joseph Conrad, or Sir Arthur Conan Doyle. Even today, atrocity is made known by independent media sources. In some ways, the hourly news cycle of global cable television alert and sustain public awareness within hours of the events, and in some cases, as it is happening. It is becoming increasingly hard for strong centralized regimes to begin to destroy a people without it being known quickly by CNN, the BBC, or other media outlets.

To summarize what the past reveals, when we see a *nation-state* regardless if it was a colony or not (though being a former colony should be a red flag), with a *strong centralized* government, headed by a *strongman* with years in power, who begins to identify a people within that country through *stereotyping* and public media pronouncements that they are an internal threat to the security of the country (or likewise identify an ethnic group or a political entity outside the country as a threat—the boogeyman), and begins to use domestic law, as well as religious pronouncements to justify possible action; *then* the international community should sit up and take notice. An atrocity is about to happen. History tells us that this is so. Look to the Congo, Turkey, the Soviet Union, China, Cambodia, the Balkans, Rwanda, Iraq, and Darfur, to name a few.

As the twenty-first century evolves, warfare is changing. In part, this phenomenon is due to globalization and the decline of the nation-state as *the* center of power to *a* center of power, where the nation-state shares that power with multi-national corporations, international criminal cartels, terrorists, as well as other non-state actors and organizations, including civil society and NGOs.

This century will see a new age of conflict that will be less national in scope and more regional. Combatants will be less legitimate and are becoming increasingly criminal in their motives and actions. The key players in this conflict will be non-state actors, in some instances acting as surrogates for states themselves. Sadly, as in the past centuries, civilians, particularly women and children, will bear the brunt of the crime perpetrated in these conflicts.

Additionally, conflicts are evolving and are becoming uncivilized. Despite the horror of the twentieth century, at least the rise of international humanitarian law saw attempts to inject the rule of law onto the battlefield. As states become surrogates or are less involved in warfare, the advances in this area are threatened. Respect for the laws of armed conflict is diminishing, as the combatants to the conflict become mere pawns in a deadly game for power driven by greed and control. Joint criminal enterprises, whose motives are economic or criminal, will be a basis for combat, rather than the more traditional rationales for war.

In light of this apparent new paradigm shift in power and in the way conflict is evolving, along with what we have learned from the past in how atrocity develops, as well as the new justice mechanisms in place to deal with an atrocity committed in a conflict, let us now consider ways the international community may prevent atrocity.

Using the general commonalities stemming from past atrocity discussed above, Figure 9 now lays out the indicative model of possible atrocity. After considering this, we will then turn to ways to prevent an atrocity *from* happening rather than reacting to atrocity that *has* happened. This preventative concept is shown in Figure 10.

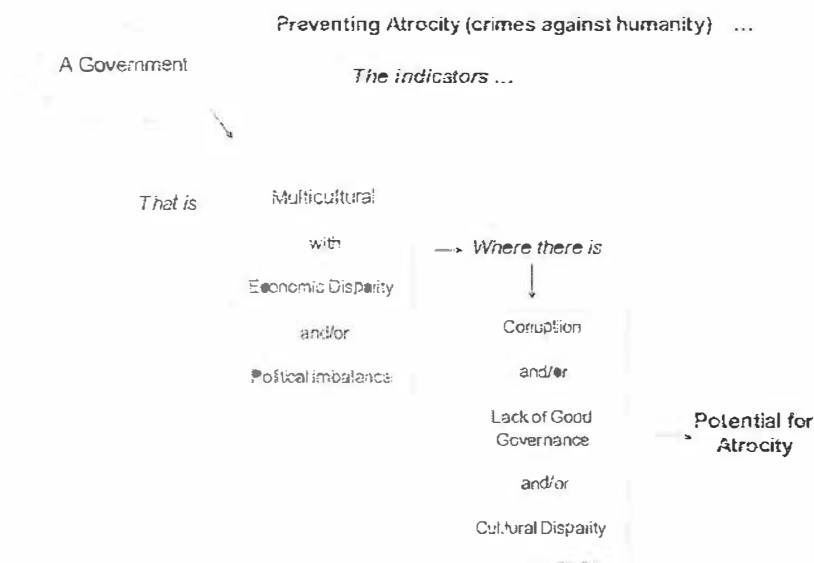


FIGURE 9

To this point, we have first placed in historical context crimes against humanity in light of reaction by governments. Second, we have considered the present and the new mechanisms that have been put into place to account for these crimes, and third, we have considered past indicators of international crimes.

As we review the model found at Figure 9, we have to ask ourselves some questions. First, is the type of government an indicator? Second, do the indicators change if it is a homogenous society with only one culture or religion in the country? Third, how important are the attributes of good governance and the rule of law? Can there be an atrocity committed by a society or nation that follows the rule of law? These key questions are outside the scope of this Article, but it is safe to conclude that they probably do shape the potential for atrocity one way or the other. An interesting question to reflect upon is: *Could a largely homogenous democracy that has a tradition of following the rule of law with minimal corruption commit atrocity?*

The mirror to this question is highlighted in Figure 9. This model states that *a government that is multicultural with economic disparity and/or a political imbalance, is corrupt and/or has bad governance, and cultural disparity may be a government/nation that can commit an atrocity.* The model suggested allows the international community to develop or refine a list of potential atrocity flash

points that can be monitored. This will allow for preventive measures to be considered and taken to cut off that potential atrocity. For example, each of the factors listed are indicators, which when removed from this cumulative model may diminish the possibility of a future atrocity. That is why the questions posed are so important. If one believes that a stable democracy, with the usual Western traditions of rule of law and good governance, can commit atrocity, even crimes against humanity, then the proffered model weakens, and the hope of prevention of international crimes almost becomes as futile as if there is no model upon which we can build the rule of law and accountability.²⁰

However, if one believes or assumes the contrary, then the model in Figure 9 gives us a way to understand the point at which international, regional or local efforts can help prevent atrocity. It remains to be seen, however, whether current global economic unrest and the long term outlook for the environment and energy supply will negate efforts as nations look inward to their own survival. Are we entering an even bloodier century of survival that will supersede the previous one in its horror?

Figure 10 is a possible prevention model that stems from the indicators found in Figure 9. The prevention keys are: (1) *monitoring* identified states and regions; (2) *understanding* the above mentioned indicators; and (3) *responding* to the indicators constructively over time to lessen the chances that an atrocity will occur. An important attribute is that it can be done fairly efficiently. It will be less costly to minimize or remove the various indicators sooner rather than later, when the indicators are more endemic and pervasive. In many regions of the world, this may already be the case.

By identifying states or regions with potential for atrocity, the international community could entrust or give mandates to regional organizations or even United Nations entities to oversee these indicators. These entities would be responsible for highlighting those indicators to local states and urging action through various economic or societal reforms bolstered by various incentives. Additionally, ongoing efforts must be made by

²⁰ There is certainly something to be said about the “democratic peace” paradigm when considering all of this. However, in light of policies implemented by the Bush administration in fighting the “global war on terror” over the past several years, the answer to the question posed may be “yes.” In real or perceived extreme times the moral and legal fiber of a nation is tested indeed.

international and local governments, civil society, and NGOs to educate themselves, local societies, cultures, and citizens in understanding these indicators. They should work to create various channels to report the indicators and any other signs of a government preparing to commit an atrocity.²¹

When indicators reveal the potential for an atrocity, responses at various levels should be triggered, starting at the softer approach of diplomacy and gradually moving to more hardened sanctions, in order to politically and practically prevent any further steps toward a human tragedy. Only later should sanctions be considered to further prevent the steps from happening again. In some ways, much of this—the commonalities of the potential for an atrocity, the indicators, as well as the prevention of atrocity—is conceptually cyclic in nature and overlaps with the other. Regardless, the concept of *monitoring, understanding, and responding* to the indicators may be a way of preventing crimes against humanity and other international crimes.



FIGURE 10

²¹ Most atrocities share some commonalities in their inception; there is initial apathy or disbelief of the government, role of religion or law as justification for action, stereotyping of a population segment as outsiders, etc.

5. CONCLUSION – A GLOBAL RESPONSIBILITY TO PROTECT

The prevention model found in Figure 10 above fits into the emerging doctrine of the responsibility to protect ("R2P"). R2P contemplates preventive measures by placing a *duty on all states* to protect their own citizens from atrocity. This duty is a conceptual standard that international and regional organizations can use to monitor domestic activity and educate a state and its citizens. At the same time, it provides a mechanism to prevent the indicators from progressing into an atrocity and to sanction a reluctant state should that be necessary. The schematic in Figure 11 below shows where the prevention model assists in enforcing the responsibility to protect one's own citizens from possible atrocity by a government.²² This principle of R2P reflects a preventive complement to a history of reactive, albeit necessary, justice.

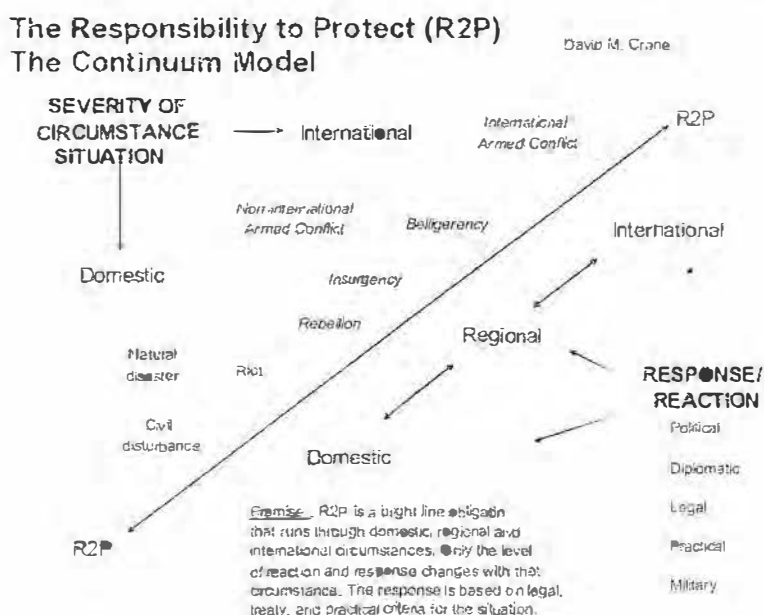


FIGURE 11

²² Antonio Cassese essentially notes this in his textbook. See ANTONIO CASSESE, *INTERNATIONAL CRIMINAL LAW* 64 (2003) ("[I]t may be fitting to note that to a large extent many concepts underlying this category of crimes [crimes against humanity] derive from, or overlap with, those of human right law (the right to life, not to be tortured, to liberty and security of person) . . ."). It is submitted that human rights law imposes the R2P duty on governments to protect and care for their citizens in accordance with various human rights instruments, e.g. the Universal Declaration of Human Rights.

Figure 12 places that responsibility to protect in the prevention model posed earlier and reflects how preventing atrocity (such as crimes against humanity), using the monitoring, understanding, and responding method suggested can assist in that duty to protect. This model supports the basic premise of the duty inherent in R2P, which is protection from abuse and the moral and legal basis for international intervention if necessary. It places the burden of protection squarely on the shoulders of states.

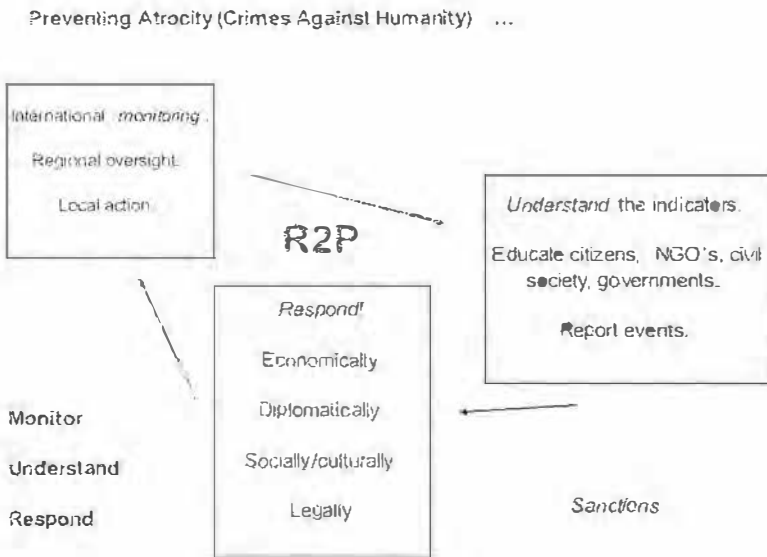


FIGURE 12

In conclusion, the bright red thread that weaves its way throughout our discussion is politics. Regardless of the moral and legal basis for prevention of international crimes, the political will of nations, regional, and international organizations cannot be ignored. As mankind moves haltingly into this new century new questions emerge, such as: Is the United Nations paradigm capable of preventing these crimes or even capable of administering justice? Efficiency and effectiveness are problems found in the various courts and tribunals.

Other concerns revolve around further questions. Is the justice the international community seeks the justice the victims want? There are certainly concerns, as well, related to the responsibility to protect as a pretext to interventions into other states for more cynical purposes other than humanitarian reasons. Is R2P even workable?

Despite all these potential issues, prevention is less expensive than retroactive action, and will save lives. One can remain optimistic and certainly hopeful that our new century just may be the beginning of the end to atrocity. It remains to be seen.

President Woodrow Wilson declared in a speech at Mount Vernon in July of 1918: "What we seek is the reign of law, based upon the consent of the governed, and sustained by the organized opinion of mankind."²³

²³ See WOODROW WILSON, *The League of Nations*, in WILSON'S IDEALS 96 (Saul K. Padover ed., 1942) (setting forth principles for a League of Nations).